

The attached document was sent by email on November 21, 2023

From: Marcia Christie

To: Jim Bradley

Cc. Ron Trip, Frank Tassone, Albert Witteveen, Maged Elmadhoon, Dan Carnegie, Sandra Easton, Robert Foster, Michael Kirkopoulous, Tony Brunet, JD Pachereva, David Graham, Julie Kirkelos, Andrea Chambers, Sam Oosterhoff, Harald Thiel, Curtis Fielding, John Christie

On behalf of the Directors of Mountainview Niagara Escarpment Community Association (MNECA) please find attached our comments and objects regarding the Niagara Escarpment Crossing Study Terms of Reference for an IEA

We await your response.

Directors of MNECA

Harald Thiel

Curtis Fielding

John Christie

Marcia Christie

TO: Region of Niagara.

RE: Notice of Commencement of the Terms of Reference for the Niagara Escarpment Crossing Individual Environmental Assessment, Town of Grimsby, Town of Lincoln, Township of West Lincoln

Mountainview Niagara Escarpment Community Association (MNECA) is a registered non-profit corporation incorporated in 2012 to advocate on behalf of the businesses and residents of the community surrounding, adjacent and directly located on Mountainview Road in Beamsville, Ontario. MNECA advocated on behalf of the Mountainview Road community in the past on the:

Niagara Escarpment Crossing Study update (2013-2015) as members of the stakeholder group and attended all stakeholder group meetings conducted by Niagara Region/Hatch;

Niagara Region Wind Farm transmission line construction on Mountainview Road (2012-2016); and

OMB Case #PL141047 as a party vs Shire Corporation (Non- Agricultural Source Material Storage and Distribution facility at Frost Road, Lincoln.) (2014-2016)

The registered office of MNECA is: 4152 Locust Lane, Beamsville, Ontario. L3J 2B8

The following are the current directors of MNECA:

Harald Thiel, President, [REDACTED]

Marcia Christie Secretary/Treasurer [REDACTED]

Curtis Fielding, Vice-President, [REDACTED]

John Christie Vice-President [REDACTED]

The following are our comments and objections to the Notice of Commencement of the Terms of Reference for IEA for the Niagara Escarpment Crossing Study

**1. The proposed study area is contrary to Council authorization and planning**

The study area, as indicated in the Region’s Notice of Commencement of the Terms of Reference for an Individual Environmental Assessment of June 27, 2023, includes Mountainview Road and Thirty Road as north-south crossings which is contrary to what was authorized by Regional Council on May 19, 2016 of PWC 27-2016 and was based on the recommendations of the Niagara Escarpment Crossing Study by Hatch Mott MacDonald (Hatch Study) 2016. Council authorized the EA process for the “Bartlett Avenue Extension.” **Including Mountainview Road and Thirty Road as potential alternates is contrary Regional Council’s authorization and contrary to the Region’s Transportation Master Plan (2017); contrary to the Lincoln Transportation Master Plan (2019); contrary to the Niagara Official Plan (2022); and contrary to what the citizens of Mountainview Road and Thirty Road have been told and led to believe by the actions and proceedings of the Region and Town in relation to the above studies and Plans.**

From the Notice of Commencement:

---

*“The preliminary study area for the proposed north-south transportation crossing includes portions of the Town of Grimsby, Town of Lincoln, and Township of West Lincoln in Niagara Region, as shown in the key plan below.”*

---



---

Approved by Council: PWC 27-2016, May 19,2016

---

*“1. That the Regional Council **AUTHORIZE** staff to undertake Phases 3 and 4 of the Municipal Class Environmental Assessment (EA) process (Schedule C) to develop a preferred alignment and preliminary design for the Bartlett Avenue Extension. (a graphic showing the study area for the Schedule EA is attached as Appendix 1 to Report PW 27-2016);”*

---



---

## 2. History of Bartlett/Park being the preferred Escarpment Crossing

The timeline shows that all studies and planning have identified Bartlett Avenue / Park Road South as the preferred route for the truck Escarpment Crossing. **We object to Mountainview Road and Thirty Road being considered as a truck Escarpment Crossing in setting the Terms of Reference for the IEA and that only Bartlett or Bartlett/Park should be studied which is concurrent with the following studies and plans:**

- 1997 - Niagara Escarpment Crossing Study (McCormick Rankin Corporation) identifies:  
Park Road, Grimsby (highest score)
- 2011 - 2012 Niagara Crossing Study is brought back to life due to safety issues. Hatch Mott MacDonald hired to conduct new a study of crossings in Grimsby and Lincoln.
- 2014 - Niagara Escarpment Crossing Study Update (Hatch Study) presents best alternatives:  
New crossing between Tufford Rd. & Victoria Ave. Lincoln  
Improved Park Road/Bartlett Avenue, Grimsby and  
Improved Mountain Road, Grimsby
- 2016 - Niagara Escarpment Crossing Study Update recommends:  
Extension of Bartlett Avenue / Park Road Corridor to Mud Street
- 2017 - Niagara Region Transportation Master Plan.  
Reaffirms the need for a new Escarpment Crossing. The 2017 TMP incorporated the proposed Park Road Corridor as the location of the new Escarpment Crossing.
- 2019 - Niagara Escarpment Crossings Traffic Operations and Safety Study.  
Long-term recommendation for a new Escarpment Crossing at Bartlett/Park.
- 2019 - Town of Lincoln Transportation Master Plan.  
Long-term recommendation for an Escarpment Crossing (Park Rd. - Bartlett Avenue-QEW)
- 2022 - Niagara Official Plan.  
Adopted by the Niagara Regional Council by By-law 2022-47. North-South Escarpment Crossing is included and shown on a map to be Bartlett/Park.
- 2023 - Motion by Town of Lincoln, Town Council, that the Town does not agree with the Escarpment Crossing being Mountainview Road or Thirty Road and that the only Escarpment Crossing to be studied is Bartlett Avenue / Park Road South.

### **3. Council did not authorize changes from an EA to IEA or to a change in study area.**

After the 2016 authorization to Regional staff to proceed with the Bartlett Avenue Extension, all subsequent reports and presentations made to Regional Council and its committees never mentioned the addition of Mountainview Road and Thirty Road to the study area. They refer to the Bartlett/Park as the truck Escarpment Crossing. They refer to the change from a Municipal Class Environmental Assessment to an Individual Environmental Assessment. No authorizations by council arise from these reports or updates. These meetings include:

May 2, 2019 Committee of the Whole update to newly-elected Council by C. Ryall, Transportation Services

June 16, 2020 Public Works Committee update PW 9-2020

January 10, 2023. Public Works Committee update to newly-elected council members by C. Ryall, Transportation Services

**The agendas, any reports, the minutes and the video of the above three meetings has been reviewed by MNECA. Without the Regional staff alerting Regional Council that the study area was being expanded to include Mountainview and Thirty, we object to those roads being considered for a truck Escarpment Crossing route.**

### **4. Meeting and Conversations with the Town of Lincoln and Regional Councillors**

Representatives of MNECA: Harald Thiel, Marcia Christie, Curtis Fielding, John Christie met at Lincoln Town Hall with Mayor Sandra Easton, CAO Michael Kirkopoulos, Regional Councillor Robert Foster, Town Councillors Tony Brunet and J.D. Pachereva, and Town Staff Walter Neubauer on July 14, 2023.

Everyone present said that they were not aware that the study area had been expanded to include roads in Lincoln.

Regional Councillor, Foster advised that he had met with Regional Staff in preparation for the meeting with MNECA and that he had been assured that the Region's choice for the truck Escarpment Crossing has been and currently is Bartlett/Park and that the reason the area was expanded was because the IEA process requires "alternatives".

Regional Councillor Foster advised that completing the Escarpment Crossing construction will require funding from the Region, the Province and the Federal governments, each contributing one-third of the costs. That cost was suggested as \$500 million. It was also stated that in their conversations with provincial and federal representatives, this crossing is not a current priority for either, and therefore the likelihood of it happening in the next decades is remote.

Subsequent to our meeting, Michael Kirkopoulos communicated with the Region and sent us this information:

**“MK Question:** As I read your comments in the past exploring other options wouldn't mean those options i.e. Mountainview turn into a full-fledged 4 lane truck route but rather that we are exploring the park/Bartlett site and/or seeing if through improvements the exiting crossings, for instance Mountain, Victoria and Mountainview with some minor improvements suffice and therefore new brand-new escapement crossing is needed ? That's one question I have. **Region Answer:** Yes this is our intent, we have heard from the NEC that they would never consider the approval of a new crossing if there was not proof that the improvements of an existing crossing would not serve to remedy our issue. With that said we felt that it was imperative that we look at the possibilities of improvements to existing crossings to prove to the NEC that we are justified in asking for a new crossing.

A few other questions I am hoping you can help with -

**Question:** Right now, and since January when the bid was awarded, the staff at the region are meeting with CIMA on a regular basis, and are directing and instructing them on the creation of the Terms of Reference. What are they doing ? What can I share ? **Region Answer:** CIMA is drafting the framework (process) that the IEA will follow. This is a required step in the process when completing an IEA. Once completed the framework will be approved by the MECP and an RFP will be put out to the market to complete the IEA in accordance with the MECP approved framework. This is very different from a regular class EA where we develop an RFP and put that out to the market with the intention of following the class EA document.

**Question:** Councillor Foster has been saying publicly that the likelihood of the Crossing actually happening in our lifetime is remote. Cllr foster said there is no will by the funding partners, the province and the feds, to support this initiative. We also talked about the NEC never allowing something that is not essential. Therefore, the question he was asked and me to a lesser extent is why would we spend \$2.5 million dollars of taxpayer funds on a road that is never going to happen? Maybe we should just stop. Stop the IEA, stop the whole process and live with what we have even with the safety issues. Not necessarily my view but help me respond if possible. **Region Answer:** I think Councillor Foster has some merit to his comment, however, I would add that we at the Region have a keen interest and I am sure that our Municipal partners that are affected by trucks within their urban core areas would agree that they have interest in this moving forward. I believe that Councillor Foster's comment about the Prov & Feds not being on side with this is likely true at the moment, however, if history has taught us anything on funding.....we know that programs often come out of nowhere and the projects that are "shovel ready" get the funding (very similar to Burgoyne Bridge). So at the end of the day, I think we can rest assured that the 2.5M will be spent to run through the process of determining if a new crossing is feasible, supportable and ultimately gain an area of magnitude cost for the implementation. I do feel that the implementation of the project will not move ahead until our Prov & Fed partners come to the table with 1/3 but if we never move in that direction we will not have anything for them to fund when the \$\$ does become available. So to help answer your question, I would respond that the money is not wasted....we are spending funds with the goal of meeting the expectations of NEC and ultimately gaining their agreement to proceed with planning a new crossing. If we are unsuccessful in that endeavor than I agree any further funds spent on this would be wasting money.”

## 5. Reference to Region saying New Information could Impact the Preferred Alternative

A search of the Region's and Town's online meetings and reports found only one reference to revisiting the alternatives for the Escarpment Crossing. The reference was found in the October 2019 Final Report Lincoln Transportation Master Plan, on page 473 of [https://www.lincoln.ca/sites/default/files/2023-01/TMP%20-%20final%20with%20appendices\\_compressed.pdf](https://www.lincoln.ca/sites/default/files/2023-01/TMP%20-%20final%20with%20appendices_compressed.pdf)

The Region made comments regarding the Town of Lincoln's Transportation Master Plan as follows:

*"The Niagara Escarpment Crossing previously identified Park Road and Bartlett Avenue in Grimsby as the preferred alternative. Niagara Region **has received new information** that may impact this alternative and will be undertaking a new environmental assessment to revisit the alternatives and move the process forward. It is Niagara Region's - position that the Town of Lincoln may acknowledge a previously identified preferred alternative but should allow for flexibility in the event that the preferred alternative changes."*

In spite of the Region's comments, the Town of Lincoln's Transportation Master Plan only identifies Bartlett / Park as the Escarpment Crossing. When we presented this document in our meeting with the Town and Regional Councillors, they were surprised and said that they were completely unaware of it. **If this was meant to be notification from the Regional Staff to the Town of the potential increase in the study area, it was handled inappropriately and did not go through the correct channels and therefore is of no merit. However, clearly there was one or more people at the Region that thought that Bartlett/Park could be swapped out and another road swapped in for the truck Escarpment Crossing. This is of grave concern to us and causes us to question everything and everyone in this process. Therefore, please advise what is the "new information"?**

## 6. Substantial Investment Has Already been Expended for Bartlett/Park Crossing

During the Escarpment Crossing Study, the Region's consultant, Hatch, stated in a Stakeholder Group meeting (2013-2014) (which MNECA was a Stakeholder member and present at the meetings) that the land (at least some of it) required for the Bartlett extension had already been assembled/expropriated. Part of the infrastructure for the Escarpment Crossing has already been completed: the train overpass at Bartlett Avenue and the interchange and connection to the QEW at Bartlett Avenue.

**Given the fact that taxpayer funds have already been expended in some land acquisition/expropriation and for the infrastructure at Bartlett Avenue and the QEW, and given the significant expenditure required to expropriate land on Mountainview Road or Thirty Road, and the fact that neither of the two roads have a direct connection to the Bartlett/QEW infrastructure, we object to further study of these two roads for a truck Escarpment Study.**

## **7. Capacity for all Vehicular Traffic Projected to be Sufficient for decades**

The Hatch Study, confirmed that all combined, the current crossings have the capacity to accommodate vehicular traffic for the foreseeable future. At Stakeholder Group meeting #5, the consultant Hatch indicated that total traffic (all vehicle types) growth for each year from 2006 to 2031 was approximately 0.6% per annum and for truck traffic growth it is approximately 0.2% per annum, which would provide sufficient capacity well into the future, and the consultant estimated 2041 as to when the roads would be over capacity.

**By the time this area approaches capacity, all these studies will have to be re-done. Studying this issue now is preemptive and should not proceed at this time.**

## **8. Park Road - Bartlett Avenue truck route solution is the best solution**

The Hatch Study noted existing issues with Mountainview Road and Thirty Road and that (in part):

*“this study has identified that the Park Road - Bartlett Avenue truck route solution offered the best solution among all of the existing escarpment crossings to address the Problem Statement in the medium term. If Bartlett Avenue is connected to Park Road and Park Road is upgraded to an acceptable truck design standard, and some form of restriction applied to the other crossings with unacceptable design standards, potential exists to reduce the truck movements on the other crossings and through the built-up areas. This solution would have the added benefits of improving safety for other road users and offer potential for the built-up areas to develop to their potential without suffering the intrusive effects of regular movements by large trucks. This solution is also consistent with the recommendation made in the 1997 Escarpment Crossing Study, that the strategic long-term solution for truck movements across the escarpment between Hamilton and St. Catharines be provided by three corridors: Centennial Parkway (now also including the Red Hill Valley Parkway) in the west, Victoria Avenue (NR24) in the east and Bartlett Avenue/Park Road in the central area as shown on Figure ES-1 below.”*

**We object to Mountainview Road and Thirty Road being studied as they have already been eliminated in previous studies which found them incompatible with a truck route.**

## **9. Niagara Escarpment Commission: new crossing is not a Permitted Use**

The Niagara Escarpment Commission (NEC), consulted by the Region’s team during the Crossing Study, was very specific in their Staff Report of March 20, 2014, paraphrased as follows: A new crossing needs to be deemed essential and that only after all existing crossings have been improved and studied/monitored for the effectiveness of the improvements would the NEC evaluate the need for a new crossing.



*“ According to the Part 1.3 of the NEP, transportation and utility facilities are only permitted in Escarpment Natural Area if they are deemed to be essential. At the current time, staff does not believe a new Escarpment crossing can meet this test given that there is sufficient capacity for both trucks and cars on existing Escarpment crossings. Staff has also taken the position that it would be prudent to first improve existing crossings in terms of traffic management and road geometry (where possible). Only after existing crossings have been improved—and the resulting impact on truck traffic has been studied—should Niagara Region fully investigate the need for a new crossing.”*

The NEC’s position that a new crossing did not meet the “deemed essential” or “in the public interest” policy was reaffirmed by the NEC in their June 24, 2021 email regarding their comments on the Niagara Official Plan Review wherein they stated, in part, under the heading “Transportation”:

*“In Appendix 12.2 there is a proposed policy in relation to certain proposed significant transportation facilities including the “Niagara Escarpment Crossing” and the “NGTA”. Both of these facilities will involve Environmental Assessments (EA’s) where the NEC would be consulted and will comment from the perspective of the environmental policies of the NEP. Until the EA’s have been completed and all alternatives have been considered for lands within the NEP Area, the proposed policy to “plan for, improve and protect” such corridors and facilities may be overly prescriptive in relation to NEP policy which requires the demonstration that infrastructure is in the public interest and that all alternatives have been considered before it can be considered a Permitted Use.”*

The Hatch Study recommended, in part, the following:

*“Accordingly, this study has concluded that in the short term, safety and operational improvements be made to the existing crossings to the degree that is practicable. Further, that a Municipal Class Environmental Assessment be initiated for the connection of Bartlett Avenue to Park Road and for the upgrading of Park Road from Bartlett Avenue to Mud Street to an appropriate truck route standard. ”*

**Mountainview Road and the portion of Thirty Road that falls within the Town of Lincoln have not had a EA conducted for improvements and have not had any of the above-mentioned improvements for safety. And ergo the monitoring required by the NEC cannot take place. Mountainview Road and Thirty Road are the responsibility of the Towns of Lincoln and Grimsby. The Region should not be conducting EA’s on these roads without the explicit approval of the Councils of the Towns. Together with the lack of a capacity problem and that none of the steps laid out by the NEC have been completed, there is little chance that the NEC will see this as a Permitted Use. Until the above work is done, proceeding with the IEA is out of step.**

## **10. Studying Various Potential Alignments of Park/Bartlett are sufficient Alternatives**

In 2016 when Regional Council authorized staff to proceed with the Bartlett Avenue Extension, the associated staff report PW 27-2016 contained details as follows:

The Hatch Study's budget was \$700,000. The next EA phase budget is \$1,500,000. The EA process would study alignments of the new road corridor, natural/socio-economic impacts and required mitigations. The outcome of the study would recommend a preferred alignment and develop it to 30% design complete with a capital cost estimate.

The report stated: the corridor would extend Regional Road 14 (Bartlett Avenue) southerly to Regional Road 73 (Mud Street East) utilizing a portion of Park Road. The final alignment of Bartlett Avenue extension could connect to Park Road either on, or above the Niagara Escarpment. Construction costs were estimated to be in the range of \$80 to \$95 million and property acquisition in the range of \$10 to \$20 million. *"These costs are preliminary in nature and attempt to include sufficient contingency to encompass all the possible roadway alignments that could be selected to traverse the escarpment."*

**Based on the above detailed plan contained in the staff report, it is our opinion that no other option for developing a crossing of the Escarpment EXCEPT Bartlett should be studied as that was what was AUTHORIZED by council and only that. Further, the Region's plan indicates that many "alternatives" of possible roadway alignments related to the Bartlett/Park configuration will be studied, which in our opinion, satisfies the claimed need that "alternatives" must be studied.**

## **11. Not as Much as a Hint of Increasing the Study Area to Include Mountainview and Thirty**

In 2017, the Region's Transportation Master Plan approved by council carried a line for Capital Cost Estimate of \$38,733,000 for *"Bartlett Avenue extension (New Road)"* and *"Escarpment Crossing Improvement (Capacity)"* noting the region's share of \$38,733,000 was 1/3 of the capital cost.

At the May 2, 2019 Committee of the Whole update to newly elected council the slide presentation by C. Ryall, Transportation Services shows three maps of the Escarpment Crossing to be QEW/ Bartlett to Mud Street. In the video of the meeting, Ryall talks about the required change from an EA to IEA but does not mention an increase in the study area. She says the work on the IEA will start in the current year (2019) and that she expects the capital cost to be \$100 million.

Regional PWC requested an update for *"the EA for Regional Road 14 (Bartlett Avenue) in the Town of Grimsby"* at their meeting of July 19, 2019. C. Ryall advised that the EA was an extensive process and an update on next steps would be provided at a future meeting. The requested update occurred almost a year later at the June 16, 2020 meeting. The report PW 9-2020 was received for information. It referenced Bartlett/Park as the Escarpment Crossing. The report does

not mention studying alternatives or increasing the study area. The cost of the IEA has jumped from \$1.5 million in 2016 to \$2.5 million. The overall project cost was estimated at \$150 million with one-third by Region, the rest by Federal and Provincial funding programs. The report stated that the EA process will confirm the transportation system need, preliminary design, and refined construction cost estimates and it could take 10 years to implementation (construction start). C. Ryall indicates that the staff hired a consultant in 2018 to help them understand and manage IEA process, as it is complex (the hiring of this consultant does not appear to have gone for approval to PWC or Council). The Region staff met with the MECP:

*“MECP staff indicated that both EA processes could be applied to the Niagara Escarpment Crossing project. However, the IEA process is the best process for projects like the Niagara Escarpment Crossing that have potentially large environmental impact, property acquisition and high potential for stakeholder concerns.”*

The RFP for the Terms of Reference for the IEA was issued September 19, 2022 and awarded to CIMA January 23, 2023. No report to PWC could be found.

On January 10, 2023 the Public Works Committee met for the first time after the 2022 election. C. Ryall gave an update of the roll of Transportation Services, mentioned large projects including “north-south crossing” of the Escarpment, showed a map indicating the crossing as Bartlett/Park, mentioned they were in the procurement process to hire a consultant to set the Terms of Reference for the IEA, but did not mention the study area had been increased in size.

**In all of the reports from Staff to PWC after Regional Council authorized Bartlett / Park for the EA, there has not been as much as a hint that Regional staff contemplated expanding the study area to include Mountainview Road and Thirty Road. It is disconcerting to us that this is the case, and coupled by the suggestion in Item 5 (above) that the preferred alternative (meaning Bartlett/Park) could change, we believe that this whole issue needs to go before Regional Council for detailed explanation and proper authorization because the lack of transparency is a huge concern to MNECA and it should be a huge concern to Regional Council and Town Council.**

## **12. Town of Lincoln Council Reiterates the Crossing must be Bartlett/Park**

Following MNECA's meeting with the Town and Regional Councillors and emails on the subject, the Town of Lincoln passed a Motion at the October 2, 2023 council meeting as follows:

**WHEREAS** *The Niagara Region has commenced an Individual Environmental Assessment to study and provide a north-south transportation crossing of the Niagara Escarpment, between the Queen Elizabeth Way (QEW) and potential Smithville Bypass of Regional Road 20, that is able to accommodate commercial vehicles and other transportation modes in order to provide greater safety for local communities, efficient commercial vehicle operations, and potential additional transportation system capacity, redundancy and resiliency, while ensuring Niagara remains open for business with the effective movement of goods and people. The preliminary study*

area for the proposed north-south transportation crossing includes portions of the Town of Grimsby, Town of Lincoln, and Township of West Lincoln in Niagara Region.

**WHEREAS** Thirty Road and Mountainview Roads in Lincoln are local roads that do not fit the technical requirements of a new Niagara Escarpment Crossing with many businesses and tourists using these roads.

**WHEREAS** the Region of Niagara on June 27, 2023 announced the Notice of Commencement of the Terms of Reference for the Niagara Escarpment Crossing Individual Environmental Assessment.

**WHEREAS** the map of the study area (attached) to the Notice of Commencement of the Terms of Reference includes roads located in the Town of Lincoln which cross the escarpment including Mountainview Road and Thirty Road.

**WHEREAS** the Notice of Commencement of the Terms of Reference indicates that the preliminary study area for the proposed north-south transportation crossing includes portions of the Town of Grimsby, Town of Lincoln and Township of West Lincoln.

**WHEREAS** The Town of Lincoln is supportive of the commencement of the Individual Environmental Assessment and a new Niagara Escarpment Crossing, recognizing the large economic benefit to our downtowns by removing commercial vehicle traffic, while providing for a safe and walkable pedestrian friendly environment.

**WHEREAS** The Town of Lincoln has been calling for a new Niagara Escarpment Crossing for many years, implementing local solutions and truck bypass options, knowing that the new crossing will take some time to implement.

**WHEREAS** Some lands identified in the Individual Environmental Assessment area include agricultural lands that are important to the overall economic fabric of Lincoln, supporting our tourism industry and the jobs associated with them.

**WHEREAS** the Region conducted the 1997 Niagara Crossing Study and the Park Road Corridor was noted as preferred route for new Niagara Escarpment Crossings.

**WHEREAS** the Region conducted the 2016 Niagara Crossing Environmental Assessment Study and which recommended the extension of Bartlett Avenue / Park Road Corridor to Mud Street.

**WHEREAS** the Region on May 19, 2016 approved PW 27-2016 that stated:

"1. That the Regional Council AUTHORIZE staff to undertake Phases 3 and 4 of the Municipal Class Environmental Assessment (EA) process (Schedule C) to develop a preferred alignment and preliminary design for the Bartlett Avenue Extension." (a graphic showing the study area for the Schedule EA is attached as Appendix 1 to Report PW 27-2016).

**WHEREAS** the map attached to PW 27-2016 at that time, only indicated Bartlett/Park as the location for the study area.

**WHEREAS**, the approval of PW 27-2016 was the last approval by the Region on the environmental assessment.

**WHEREAS** the Region developed the 2017 Niagara Region Transportation Master Plan which reaffirmed the need for a new Niagara Escarpment Crossing and that the Park Road Corridor was the preferred location of the new Niagara Escarpment Crossing.

**WHEREAS** the Region conducted the 2019 Niagara Escarpment Crossings Traffic Operations and Safety Study and the long-term recommendation was for a new Niagara Escarpment Crossing at Bartlett/Park.

**WHEREAS** the Town of Lincoln Transportation Master Plan of 2019 recommended a Niagara Escarpment Crossing at Park Rd.-Bartlett Avenue-QEW.

**WHEREAS** Regional staff report PW 9-2020 of June 16, 2020 did indicate that the environmental assessment would go forward as a Individual Environmental Assessment rather than a Municipal Class Environmental Assessment process (Schedule C), it did not mention a change in the study area to include Mountainview Road and Thirty Road.

**WHEREAS** the Regional staff report PW 9-2020 indicated a change to an Individual Environmental Assessment, the report was received for information and no approval by Regional Council was given.

**WHEREAS** the Niagara Official Plan of 2022 was adopted by the Niagara Regional Council by By-law 2022-47 and the North-South Niagara Escarpment Crossing was included and shown on a map to be Bartlett/Park.

**WHEREAS** previous studies showed Mountainview Road and Thirty Road as being unfavourable for a crossing for various reasons.

**WHEREAS** the Town of Lincoln's Economic Development Strategy and Action Plan 2019-2023 identified tourism as one of the four key pillars that will drive Lincoln's economic future.

**WHEREAS** the Town of Lincoln, with its new Niagara Benchlands tourism brand, is committed to building a strong, vibrant community by ensuring sustainable growth that serves the long-term interest of our economy, businesses, environment, and our citizens.

**WHEREAS** Mountainview Road and the areas served by Mountainview Road are home to seven wineries and other agricultural-related businesses that rely on tourism to flourish and is part of the Greenbelt cycle route, as well as home to over 60 residential dwellings.

**WHEREAS** Mountainview Road and Locust Lane are destination points for hikers, bicyclists, and foot traffic and portions of Mountainview Road are part of the Bruce Trail which connects at the Mountainview Conservation Area.

**THEREFORE BE IT RESOLVED:**

That the Town of Lincoln Council expects the Niagara Region to implement the Niagara Escarpment Crossing at the proposed location of Bartlett Avenue and Park Road South in Grimsby; and

That Town of Lincoln staff provide this feedback and make any necessary submissions and/or presentation to the Niagara Region communicating this position.

**Given the above, MNECA objects to Mountainview Road and Thirty Road being studied by the Region as alternatives to the Bartlett Avenue Extension/Park Road South Corridor in the setting the Terms of Reference for the Individual Environmental Assessment and any other future studies of the north south crossing of the Niagara Escarpment for a truck traffic corridor.**

### 13. Studying Mountainview and Thirty Roads are a waste of Taxpayer Dollars

The following facts about Mountainview Road demonstrate why it should not be considered or studied as an Escarpment Crossing to accommodate a transportation corridor for trucks:

The Niagara Region Wind Farm's (NRWF) high voltage transmission line runs beneath the paved roadway of Mountainview Road from Walker Road in the south to the CN Rail Line in the north near the QEW. It is the only transmission line from the 230 megawatt wind farm located in West Lincoln, Wainfleet and Haldimand County. It carries all the energy generated by 77 wind turbines to the power grid. The NRWF estimates that the wind farm's energy production avoids the equivalent of 17,748 tons of CO<sub>2</sub> annually. The transmission line was commissioned in 2016 and will be operational for at least 20 years. According to the NRWF's web site *"The design life of the Project is estimated to be 20 years; however, it is not uncommon for well maintained projects to have a longer useful life than the design life. To extend the life of the Project it is possible that it will be re-powered prior to considering any decommissioning activities."* The transmission line will therefore be in operation until at least 2036 but likely beyond to the mid 2040's. Construction of a transportation corridor for trucks on Mountainview Road would necessitate deconstructing the transmission line and would render the wind farm unable to produce any electricity for the provincial grid during the period of construction. The inability of NRWF to meet its contract with the Independent Electricity System Operator (IESO) would be an expensive loss in revenue to NRWF.

The NRWF initially wanted to run the high voltage transmission line above ground down Mountainview Road. The project was deemed to be essential by the NEC. MNECA negotiated with the NRWF, the NEC, Ontario Hydro and the Town of Lincoln to explore all other alternative routes and possibilities. Through these negotiations, NRWF and MNECA in the end agreed that the best solution was to bury the lines under the paved roadway of Mountainview Road in order to meet the essential public need with the least disruption to the Niagara Escarpment. The NEC and the Town of Lincoln agreed and the line was buried. The following is a link to one of the meetings held between NRWF and MNECA from the Boralex (NRWF) website:

[https://www.boralex.com/uploads/2015\\_11\\_25-NRWC-Presentation-to-MNECA-and-Mountainview-Road-stakeholders-FINAL.pdf](https://www.boralex.com/uploads/2015_11_25-NRWC-Presentation-to-MNECA-and-Mountainview-Road-stakeholders-FINAL.pdf)

Mountainview Conservation Area is part of the system of Ontario Conservation areas and the Niagara Peninsula Conservation Authority. Mountainview Road passes adjacent to this area for approximately 1 km. The terrain in this area is steep with narrow lanes and narrow shoulders. The rock face on the west side of Mountainview Road is high and on the east side very steep into a ravine. The website for the conservation area describes it as: *"A passive natural area comprised of Carolinian forest, this 25-hectare area conserves Carolinian plants, provides habitat for animals and shelters a portion of the Niagara Escarpment. Property highlights include exposed dolostone rock,*

*many bedrock fractures and eroded talus slopes of the Escarpment. Hike the Bruce Trail and discover the various lookout points for a unique view of the Iroquois plain and Lake Ontario.”*

The Bruce Trail runs on Mountainview from Locust Lane to the entrance to the parking area for the Mountainview Conservation Area. Hikers of the Bruce Trail can be found regularly using the paved surfaces of Mountainview Road and Locust Lane to bridge the gap in the Bruce Trail natural area which is approximately 0.4 km along Locust lane and approximately 0.5 km along Mountainview Road.

Wineries & Businesses located in the Mountainview Road area employ hundreds of people and welcome thousands of visitors per year who come by foot, by bicycle, and by car. All within walking distance of one another, people often spend a pleasant day walking Mountainview Road and Locust Lane to visit all the wineries and sample the wines. Construction of a transportation corridor on Mountainview Road would ruin the businesses and economy of this tourist destination. The wineries and businesses open to visitors include:

Rosewood Estates Winery and Apiary, 4352 Mountainview Road

Le Clos Jordanne, 4260 Mountainview Road (previously Angels Gate Winery), Arterra Wines Canada

Thirty Bench, 4281 Mountainview Road, boutique winery, Peller Estates

The Organized Crime Winery, 4043 Mountainview Road

Fielding Estate, 4020 Locust Lane

Locust Lane Winery, 4041 Locust Lane

Hidden Bench, 4152 Locust Lane

Mountainview Orchards Inc. 3985 Mountainview Road

Geometric features on Mountainview Road identified in the Hatch report included the narrow two-lane pavement, narrow gravel shoulders and the 90 degree horizontal curve. In order for a 4 lane roadway with run ups and run outs and given the 90 degree turn at the south of Mountainview and the steep slopes adjacent to Mountainview Conservation Area, the whole area would need to be expropriated to accommodate such a massive reconstruction of the crossing. This could wipe out much of the vineyards, many of the houses, some of the wineries and certainly would require a swath through the upper end of Mountainview which would decimate Mountainview Orchards and many of the farms beyond it.

**MNECA has articulated some of the reasons Mountainview Road and Thirty Road are absolutely not suitable for consideration as the new crossing to serve truck traffic. Please, before additional funds are spent re-examining it, we ask the Region to halt this study.**

## 14. What Happened to Public Participation?

The Region's Notice of Commencement of the Terms of Reference issued June 27, 2023 included an invitation to participate in the Study process. *"The Public, agencies, Indigenous Communities and other interested persons are encouraged to actively participate in the Study process by reviewing information, providing comments, asking questions and/or attending consultation opportunities."* It also stated that *"A Public Information Centre is planned for later this year to present the draft Terms of Reference..."*. MNECA registered to receive notifications from the Region's project team in June and have not received any information from them through email.

Visiting the current (on 2023 11 09) Region's project site for the IEA reveals that: The Notice of Commencement of the Terms of Reference issued June 27, 2023 is no longer available to view. The link to it takes the viewer to a page of other Notices, but the Notice of IEA Terms of Reference is not on those pages. The current Region's page on this project states under *"Consultations while developing the Terms of Reference: Niagara Region will consult directly with indigenous communities and provincial government agencies. The Region will also consult with Grimsby, Lincoln and West Lincoln. Comments from interested parties and members of the public are encouraged and will be taken into consideration."* Reference to a Public Information Centre has gone missing from the message. The current Region's page under *"Project timeline"* states that the first Stage of Project Start is complete. The next stage is SPRING/FALL 2023 *"engage with Indigenous communities and agencies"* (not marked completed). The second stage is FALL 2023: *"Draft terms of reference"* (not marked completed).

**The Public Information Centre has fallen off the table of offerings for the general public. Why? Is the general community being edged out of participating? Have consultations started with indigenous communities? Have consultations occurred with the Towns of Grimsby, Lincoln and West Lincoln? It appears that after the consultations noted above, the Region will draft the terms of reference and then finalize the terms of reference and proceed to submit it to the Minister of the Environment, Conservation and Parks for approval. Therefore, the final question is: will this go before Regional PWC or Regional Council before it is submitted to the Ministry for approval? If not why not? This project has the potential to be one of the bigger projects undertaken by the Region. Should there not be more oversight?**



## **CONCLUSION**

What was authorized by Regional Council is not what is being executed by the Regional staff.

In the public interest, for transparency, and because it appears that neither Regional Council representatives nor the Town of Lincoln Council has complete understanding of the project that the Region is executing;

And because Mountainview Road and Thirty Road were eliminated because of unsuitability for an Escarpment Crossing and all studies and reports indicate that Bartlett Avenue / Park Road South is to be the Crossing,

And because this is a complex project involving substantial funds (suggested to be \$500 million) from three levels of government: Regional, Provincial and Federal;

And because we, members of the public, residents and businesses, have lost confidence in the process;

And because a failure to carry out the process in the proper steps could result in taxpayer funds being lost or wasted;

And because the setting of the foundations of a major project must be complete, exhaustive in scope and must set the stage for the work going forward with all parties completely aware and in agreement of the plans, processes and potential outcomes;

And because during these times of fiscal restraint, expanding the study area is an added, needless and unauthorized cost,

And because of all the items raised by MNECA as detailed in this paper;

We are calling on the Niagara Region to halt the setting of the Terms of Reference for IEA and re-evaluate the project, the plan and the process, consult openly with the local municipalities, include the residents in a substantive engagement before going forward, and receive proper authorization from Regional Council for this project.

We await your response.

**RESPECTFULLY SUBMITTED,**

Directors of MNECA

Harald Thiel

Curtis Fielding

Marcia Christie

John Christie